

MassDEP  
Solid Waste Advisory Committee

Meeting Slides

June 23, 2016

# MassDEP Updates

- RecyclingWorks – development of hauler contracting BMPs
  - Summary of process
  - Summary of initial discussions

# MassDEP Updates

- RecyclingWorks BMPs for C&D Reuse and Source Separation
- Report Back from C&D Subcommittee
- Process and Next Steps

# C&D Subcommittee Meeting Topics

- Discussion led by RecyclingWorks in Massachusetts re: BMP Development for C&D Generators
- Update on RFQ for C&D Debris Market Study
- Update on coated concrete management
- Update on MassDEP Asbestos Program Regulatory Amendments

# Update on RFQ for C&D Debris Market Study

- Tentative Project Schedule (CY2016)
  1. Solicit comments from C&D Subcommittee on Draft SOW (March - **COMPLETE**)
  2. Finalize SOW (April - **COMPLETE**)
  3. Issue RFP for competitive bids (May - **COMPLETE**)
    - a. PRF 61 Management Consultants, Program Coordinators and Planners Services Statewide Contract ([www.COMMBUYS.com](http://www.COMMBUYS.com))
  4. Review Proposals/Select Consultant (June – **In Progress**)
  5. Award contract/Authorize Work (July)
  6. Complete final report (December)

# Update on RFQ for C&D Debris Market Study

Re-assess the C&D material management in Massachusetts:

**1. Characterize the quantity and composition**

- a. Materials received by C&D processors;
- b. By-products produced by C&D processing (i.e. C&D fines and C&D residuals);

**2. Assess the recycling end-market capacity for 3 target materials**

- a. Existing opportunities;
- b. Potential unrealized opportunities;

**3. Evaluate separation and processing advancements**

- a. Improve material suitability for end-markets
- b. Reduce dependency on diminishing markets (e.g. landfill dependant use applications)

**4. Identify barriers**

**5. Make recommendations to C&D Subcommittee for consideration**

**(Note: MassDEP is focused on the long-term policy goal of promoting increased recycling of C&D materials – 50% by 2020)**

# Onsite Reuse of Coated Concrete

- EBC proposed idea of generic statewide BUD for onsite re-use of crushed coated concrete
- MassDEP evaluating applicability of draft DCAM BUD (ca. 2009) that was never finalized
- MassDEP shared draft BUD values with EBC
- MassDEP requested “real-world” data for comparison
- If opportunity exists, MassDEP will develop draft BUD; solicit input from C&D Subcommittee

# Update on MassDEP Asbestos Program Regulatory Amendments

- In response to EO562, MassDEP proposing to amend asbestos regulation in two phases:
  - Phase I
    - Two narrow issues
      - New section – streamlined regs for A-C Pipe
      - Technical corrections to 2014 amendments (e.g. Prohibitions, Survey, Blanket Notification, etc.)
    - Public comment period (5/26 – 7/15/2016)
    - Public hearings at 5 locations (6/21&22; 6/28&29)
  - Phase II
    - Stakeholder Engagement Process (April/May 2016)
    - Consult with other agencies (EPA/DLS)
    - Develop specific proposals
    - Initiate regulatory amendment package
    - Formal notice and comment process



# Recycling Business Development Grants – Eligibility Requirements

- For profit or non-profit corporations
- In substantial compliance for past 3 years
- Processing, manufacturing or reuse activities
- Project must take place in MA
- Must provide measurable economic benefit in MA

# Recycling Business Development Grants – Eligible Materials

- Glass
- Mattresses
- Packaged food materials
- Post –consumer bulky rigid or film plastics
- May not be exclusively on-site
  - Except for packaged food materials

# Recycling Business Development Grants – Eligible Activities

- Processing eligible materials
- Manufacturing products with eligible materials
- Reuse of eligible materials

# Recycling Business Development Grants – Ineligible Activities

- Incineration or preparation as fuel
  - Except for wood from mattresses
- Feasibility or design work
- Operation and maintenance costs
- Collection or brokering activities
- Staff/consultant time

# Recycling Business Development Grants – Round 1 Awards

- 15 applications requesting over \$4 million
- In final discussions with 7 companies
- Expect to award ~\$1 million

# Recycling Business Development Grants – Grant Amounts

- Between \$50,000 and \$400,000
- Minimum match of 25% required
- Applying over multiple rounds okay, with caveats
  - Capped at \$400,000
  - Must be expansion or extension of current project; not the same application submitted twice

# Recycling Business Development Grants – Grant Award Structure

- Paid in three disbursements
  - 1<sup>st</sup> = partial reimbursement for purchase of equipment
  - 2<sup>nd</sup> = performance-based repayment spread over 2 yrs
  - 3<sup>rd</sup> = 10% retainer paid at completion of grant

# Recycling Business Development Grants – Schedule and Timing

- **Round 2 deadline: Wed, July 15, 2016, 5:00 pm**
- For more information:  
<http://www.mass.gov/eea/agencies/massdep/recycle/grants/rbdg.html>



# Recycling Business Development Grants – What's Next?

- Round 3: Tentatively set for spring 2017
- Stakeholder discussion in Fall?
  - Discuss target materials

# Questions or More Information

- Greg Cooper, [greg.cooper@state.ma.us](mailto:greg.cooper@state.ma.us), 617-292-988
- John Fischer, [john.fischer@state.ma.us](mailto:john.fischer@state.ma.us), 617-292-5632

# **Update: Soil Management 10 months after COMM 15-01**

Sarah Weinstein  
MassDEP Bureau of Air and Waste

[www.Mass.Gov/dep](http://www.Mass.Gov/dep)  
[sarah.weinstein@state.ma.us](mailto:sarah.weinstein@state.ma.us)

# Why have we been talking about soil management?

- Many large development projects are underway, with excavation of soil that needs to be managed off-site.
- There are few outlets for managed soil in Massachusetts, resulting in higher disposal costs, typically out-of-state.
- Some soil coming from 21E sites may be *over-managed* as “Remediation Waste” due to lack of clear options

# What is Soil?

A mixture of...

1. Material derived from rock (minerals)
  2. Material derived from vegetation (organics)
- +
3. (sometimes) Material that is man-made  
(could be anything, like paint chips)

“Clean Soil” is a meaningless term!

# Where has soil been going?

- Solid waste landfills (grading/shaping for closure, alternative daily cover)
- Quarries, sand pits, gravel pits (for fill)
- Farms (leveling fields for expansion)
- Development sites (to achieve desired grades)
- Stockpiles (“borrow pits”)
- Etc.

## Why worry?

- Neighbors are concerned about contamination
- Sloppy fill projects have created problems

# Legislative Direction: Section 277 of the FY 2015 State Budget

- Regulations, guidelines, standards or procedures
- Determine suitability of soil for reclamation of quarries, sand pits and gravel pits
- “No significant risk” to health, safety, public welfare or the environment
- Consider transport, operations and foreseeable use
- Identify:
  - Activities requiring prior issuance of a permit
  - Activities that may be carried out without...a permit
  - Categories of fill that will need local approval

Deadline: June 30, 2015 (we almost made it)

# **MassDEP's 3 Basic Principles for Soil Management**

- Soil needs to be adequately characterized so that the management options can be understood.
- Don't create new notifiable 21E releases at receiving locations
- Don't create new dumping grounds at receiving locations



# What is COMM 15-01?

- Policy applies to quarries, sand pits & gravel pits that want to receive > 100,000 cy of soil (or that started to accept soil before 10/31/15 on an “at risk” basis)
- Offers an Administrative Consent Order (enforceable by MassDEP) committing Owner/Operator to site-specific requirements

# What's in an Administrative Consent Order?

- Site-specific Soil Management Plan: types of acceptable materials and levels of OHM in received soil
- Requirements for managing soil (sampling, documentation, tracking, transportation and on-site management)
- Plans for preventing nuisances (dust, noise, odor)
- Stormwater management plan
- Oversight by LSP or other qualified environmental professional, and/or 3<sup>rd</sup> Party Inspection Program
- Public communications plan
- Commitment to comply with all applicable laws, regulations
- Stipulated penalties for non-compliance with the Administrative Consent Order

## What's NOT covered by COMM 15-01:

- Quarry/sand pit/gravel pit reclamation projects that involve less than 100,000 yd<sup>3</sup> of soil;
- Projects (of any size) needing fill material that are not quarries, sand pits or gravel pits (although DEP would entertain a request should an operator voluntarily choose to come forward for an approval);
- Quarry/sand pit/gravel pit reclamation projects that choose to operate without an Administrative Consent Order, “at risk” for creating a disposal site requiring notification, assessment and cleanup and/or creating an illegal solid waste dumping ground;
- Excavation Projects (the sites generating soil)

# **Have any reclamation projects been approved so far?**

Three approvals to date:

- St. Mary's Cemetery, Tewksbury
- Jordan Overlook Farm, Rutland
- Dudley Reclamation Project, Dudley (added March 25, 2016)

Conversations are underway at:

- 2+ quarries owned by municipalities
- Several sand/gravel pits owned by private parties

# Observations

- Screaming about needing for soil management options has stopped
- COMM 15-01 appears to be working well
- We are still learning and clarifying some issues:
  - What are appropriate site-specific differences between projects vs. changing rules for everyone
  - What are appropriate levels/forms for municipal & public approval?
  - What is a *de minimus* quantity of solid waste?
  - How to resolve some cross-program issues

# What's next?

- We now have TOOLS to manage excess soil from development sites appropriately
- Need to EVALUATE:
  - Are these tools *enough*?
  - Is there compliance with ACOs and Soil Management Plans?
  - Do we need regulations and permits?
  - Is there sufficient capacity to support development?

# Stay tuned:

- New ACOs and Soil Management Plans are posted on the web as they are finalized ([www.reclamationsoil.org](http://www.reclamationsoil.org))
- We are continuing to gather experience with every project that is discussed
- We will continue to work with stakeholders as “next steps” are needed

# **Advice for proponents of reclamation projects:**

- Talk early & often:
  - Talk to the MassDEP Regional Director
  - Talk to municipal officials
  - Talk with us all together and/or separately
- Listen to local concerns, be a good partner
- Work with MassDEP to develop an approvable Soil Management Plan



# Evaluating the Impacts of the Commercial Organics Ban

John Fischer, MassDEP

# Contractor Selection

- Issued RFQ under state contract PRF 61
- Selected ICF International
- Began work at beginning of June 2016
- 6 month scope
- Expect to have results and report in December 2016

# Project Scope

- Survey Massachusetts businesses
  - Haulers providing organics collection
  - Processors: compost operators, animal feed operations, AD facilities, others
  - Food Banks and food rescue

# Data to be Collected

- Job and business growth from 2010 to 2016
  - Employment
  - Revenues
  - Capital and equipment investment
  - Customers
  - Induced and indirect impacts
- Effects of ban
- Planned future growth and investment
- Profiles/case studies